

Message Text

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INFORM CONSULS

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SUBJECT: US ACTIONS UNDER TRADE ACT OF 1974 -- CHARGES
OF U.S. PROTECTIONISM

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REF: STATE 35949, FEB. 13, 1976

1. IN THE FIRST SEVEN MONTHS OF 1976 THE ADMINISTRATION
HAS CONTINUED TO RESIST UNWARRANTED PROTECTIONISM AS

DETAILED IN REFTEL. THE FOLLOWING IS DESIGNED TO PROVIDE CURRENT INFORMATION ON ANTIDUMPING, COUNTERVAILING DUTY, ESCAPE CLAUSE AND SECTION 301 INVESTIGATIONS DURING THAT PERIOD.

2. ANTIDUMPING INVESTIGATIONS

A) THE ANTIDUMPING INVESTIGATIONS OF AUTOMOBILES IMPORTED FROM EIGHT COUNTRIES, INVOLVING TRADE OF \$7.5 BILLION, ATTRACTED WIDE ATTENTION AND THREATENED TO DISRUPT RELATIONS WITH SOME MAJOR U.S. TRADING PARTNERS. ON MAY 4, HOWEVER, THE SECRETARY OF THE TREASURY ANNOUNCED THE TENTATIVE DISCONTINUANCE OF THESE INVESTIGATIONS FOR THOSE COMPANIES TENTATIVELY FOUND TO BE SELLING AT LESS THAN FAIR VALUE IN THE U.S. THE DISCONTINUANCES WILL BE

FINALIZED AFTER "CERTAIN SPECIALIZED ASSURANCES ARE RECEIVED FROM SUCH EXPORTERS CONCERNING FUTURE PRICES TO BE CHARGED ON THEIR PRODUCTS IN THE U.S." FINAL TREASURY ACTION IS REQUIRED BY AUGUST 17, 1976. SHOULD ASSURANCES NOT BE RECEIVED FROM A MANUFACTURER, A FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE WILL BE MADE AND THE CASE FOR THOSE COMPANIES WILL BE REFERRED TO THE U.S. INTERNATIONAL TRADE COMMISSION (ITC) FOR A THREE MONTH INQUIRY INTO INJURY. ROLLS ROYCE, PORSCHE, TOYOTA AND NISSAN WERE FOUND NOT TO BE SELLING AT LESS THAN FAIR VALUE AND TREASURY HAS PUBLISHED TENTATIVE DETERMINATIONS TO THIS EFFECT FOR THESE COMPANIES.

B) EIGHT ANTIDUMPING INVESTIGATIONS HAVE BEEN INITIATED SINCE JANUARY 1. ONE OF THESE INVESTIGATIONS (MULTIMETAL LITHOGRAPHIC PLATES FROM MEXICO) WAS TERMINATED SUBSEQUENTLY AS THE RESULT OF A NEW PROCEDURE PROVIDED BY TRADE ACT OF 1974. IF THE SECRETARY OF THE TREASURY DOUBTS THE EXISTENCE OF INJURY WHEN INITIATING AN ANTIDUMPING INVESTIGATION, HE MAY REFER THE CASE TO THE ITC FOR A THIRTY DAY PRELIMINARY INQUIRY INTO INJURY. IF UNCLASSIFIED

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THE ITC DETERMINES THERE IS "NO REASONABLE INDICATION OF INJURY," THE CASE IS TERMINATED. IN FOUR OTHER CASES REFERRED TO THE ITC FOR A PRELIMINARY INQUIRY SINCE JANUARY 3, 1975, THE INVESTIGATIONS WERE NOT TERMINATED.

DUMPING FINDINGS HAVE BEEN ISSUED FOR BIRCH THREE-PLY DOORSKINS FROM JAPAN AND WATER CIRCULATING PUMPS FROM THE U.K. AND ONE WILL BE ISSUED SHORTLY FOR ACRYLIC SHEET FROM JAPAN.

C) FOLLOWING ARE TWO LISTS OF ANTIDUMPING CASES. THE FIRST CONSISTS OF CASES COMPLETED WITHIN THE FIRST SIX MONTHS OF 1976. "NO SLFV" INDICATES THAT THE TREASURY

DID NOT FIND SALES AT LESS THAN FAIR VALUE WHILE MENTION
OF INJURY INDICATES DETERMINATION OF INTERNATIONAL TRADE
COMMISSION FOLLOWING TREASURY DETERMINATION OF SLFV. THE
SECOND CONSISTS OF ANTIDUMPING INVESTIGATIONS IN PROGRESS
AS OF JULY 1, 1976.

ANTIDUMPING INVESTIGATIONS COMPLETED, JANUARY 1 - JULY
30, 1976

1. WATER CIRCULATING PUMPS SWEDEN DISCONTINUED
2. BIRCH 3-PLY DOORSKINS JAPAN DUMPING FINDING;
..... INJURY
3. BUTADIENE ACRYLONITRILE JAPAN NO INJURY
4. WATER CIRCULATING PUMPS U.K. DUMPING FINDING;
... INJURY
5. MULTIMETAL LITHOGRAPHIC MEXICO TERMINATED BY ITC
.....PLATES
6. POLYMETHYL METHACRYLATE JAPAN NO INJURY
.....POLYMERS
7. AC ADAPTORS JAPAN NO SLFV
8. ACRYLIC SHEET JAPAN INJURY
9. CERAMIC BRICK & TILE CANADA NO INJURY

ANTIDUMPING INVESTIGATIONS IN PROGRESS ON JULY 30, 1976

REFERRED TO INTERNATIONAL TRADE COMMISSION FOR DETERMINA-
..TION

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1. SKI BINDINGS & PARTS WEST GERMANY DUE 8/27/76
2. SKI BINDINGS & PARTS AUSTRIA DUE 8/27/76
3. SKI BINDINGS & PARTS SWITZERLAND DUE 8/27/76
4. TANTALUM ELECTROLYTIC JAPAN DUE 10/22/76
-FIXED CAPACITORS

TREASURY INVESTIGATING ;ALES AT LESS THAN FAIR VALUE
..... FINAL DETERMINATION

5. AUTOMOBILES JAPAN DUE 8/17/76
6. AUTOMOBILES WEST GERMANY DUE 8/17/76
7. AUTOMOBILES BELGIUM DUE 8/17/76
8. AUTOMOBILES U.K. DUE 8/17/76
9. AUTOMOBILES ITALY DUE 8/17/76
10. AUTOMOBILES FRANCE DUE 8/17/76
11. AUTOMOBILES SWEDEN DUE 8/17/76
12. AUTOMOBILES CANADA DUE 8/17/76
13. KNITTING MACHINERY ITALY DUE 8/21/76
14. INDUSTRIAL VEHICLE CANADA DUE 8/27/76
- ..TIRES
15. PORTLAND HYDRAULIC MEXICO DUE 8/30/76
- ..CEMENT

16. MELAMINE IN CRYSTAL JAPAN DUE 9/18/76
..FORM

..... TENTATIVE DETERMINATION

17. AUTOMOBILE BODY JAPAN DUE 8/26/76
...DIES
18. DIGITAL COMPUTER JAPAN DUE 9/30/76
...SCALES
19. CLEAR SHEET ROMANIA DUE 10/8/76
...GLASS
20. ABOVE-GROUND METAL- JAPAN DUE 10/21/76
...WALLED SWIMMING POOLS
21. MONOSODIUM GLUTAMATE KOREA DUE 11/14/76
22. PRESSURE SENSITIVE ITALY DUE 11/14/76
...PLASTIC TAPE
23. ROUND HEAD STEEL DRUM JAPAN DUE 12/11/76
...PLUGS

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3. COUNTERVAILING DUTY INVESTIGATIONS

SINCE 1/4/76 TEN COUNTERVAILING DUTY INVESTIGATIONS HAVE BEEN INITIATED AND SIX HAVE BEEN COMPLETED, WITH TWO CASES FROM 1975 NOT YET COMPLETED. OF THE SIX FINAL COUNTERVAILING DUTY DETERMINATIONS, ONE WAS NEGATIVE AND FIVE WERE AFFIRMATIVE,

ALTHOUGH THE IMPOSITION OF COUNTERVAILING DUTIES WAS WAIVED IN THREE. IN ADDITION, COUNTERVAILING DUTIES ARE BEING WAIVED ON LEATHER HANDBAGS EXPORTED FROM BRAZIL AS OF JULY 1 IN RESPONSE TO A BRAZILIAN AGREEMENT TO REMOVE EXPORT INCENTIVE ON HANDBAGS IN 3 STAGES STARTING JULY 1.

COUNTERVAILING DUTY DETERMINATIONS -- JANUARY 4 - JUNE 30, 1976

NEGATIVE

1. CERAMIC WALL TILE PHILIPPINES

AFFIRMATIVE PLUS WAIVER

2. CHEESE NORWAY
3. CHEESE FINLAND
4. CHEESE SWEDEN

AFFIRMATIVE (RATE OF CVD)

5. FROZEN, BONELESS BEEF-EC (APPROX 21 CENTS/LB)
6. 2 CASTOR OIL PRODUCTS-BRAZIL (11.3 PERCENT)

CVD CASES PENDING ON AUGUST 21, 1976

1. CAP SCREWS ITALY DUE 8/11/76
 2. GLASS BEADS CANADA DUE 8/25/76
 3. VITAMIN K SPAIN DUE 11/10/76
 4. SCISSORS & SHEARS BRAZIL DUE 2/9/77
 5. COTTON YARN BRAZIL DUE 3/9/77
 6. FISH CANADA DUE 4/1/77
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7. BICYCLES ROC DUE 4/19/77
8. NUTS, BOLTS & CAP- JAPAN DUE 4/21/77
- ..SCREWS
9. HANDBAGS ROC DUE 5/24/77
10. HANDBAGS KOREA DUE 5/24/77
11. ZINC SPAIN DUE 6/17/77

4. SECTION 201 (ESCAPE CLAUSE)

A) THE OUTCOME OF ESCAPE CLAUSE CASES IN THE FIRST SIX MONTHS OF 1976 DEMONSTRATES THAT THE LAW IS BEING ADMINISTERED WITH RESTRAINT SO AS TO PROVIDE RELIEF FOR INDUSTRIES SERIOUSLY INJURED BY INCREASED IMPORTS WITHOUT CREATING PROTECTIONIST IMPEDIMENTS TO INTERNATIONAL TRADE.

THE MOST IMPORTANT CASE IN THIS PERIOD WAS NON-RUBBER FOOTWEAR, WHICH INVOLVED MORE THAN \$1 BILLION IN TRADE. AFTER CAREFUL CONSIDERATION OF POSSIBLE OPTIONS FOLLOWING AN ITC DETERMINATION OF INJURY TO THE DOMESTIC INDUSTRY, THE PRESIDENT CHOSE ADJUSTMENT ASSISTANCE (AA) ALONE AS THE MOST APPROPRIATE REMEDY.

TITLE II OF THE TRADE ACT OF 1974 WHOSE CHAPTER I PROVIDES RELIEF FOR INDUSTRIES THROUGH 201 PROCEEDINGS ALSO MAKES PROVISION FOR DIRECT ASSISTANCE TO INDIVIDUAL FIRMS AND/OR GROUPS OF WORKERS ADVERSELY AFFECTED BY IMPORT COMPETITION. FIRMS FOUND ELIGIBLE ARE ENTITLED TO TECHNICAL, AS WELL AS FINANCIAL ASSISTANCE IN THE FORM OF LOANS, LOAN GUARANTEES OR TAX MEASURES. ELIGIBLE WORKERS ARE ENTITLED TO ASSISTANCE IN THE FORM OF SPECIAL ALLOWANCES AIMED AT HELPING THEM DEVELOP NEW SKILLS AND FIND NEW EMPLOYMENT. CHAPTER 2 OF TITLE II, RELATING TO THE PROVISION OF ADJUSTMENT ASSISTANCE TO WORKERS IS ADMINISTERED BY THE SECRETARY OF LABOR AND CHAPTER 3, PERTAINING TO FIRMS, BY THE SECRETARY OF COMMERCE. ADJUSTMENT ASSISTANCE DOES NOT RESULT IN ANY RESTRICTIONS ON INTERNATIONAL TRADE.

ANOTHER PROMINENT ESCAPE CLAUSE CASE WAS SPECIALTY STEEL.

AFTER THE ITC FOUND INJURY, THE PRESIDENT ASKED THE
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SPECIAL TRADE REPRESENTATIVE TO SEEK ORDERLY MARKETING
AGREEMENTS (OMA) WITH MAJOR SUPPLIERS WITHIN THREE MONTHS.
AN OMA WAS CONCLUDED WITH JAPAN, WHICH SUPPLIED OVER 50

PERCENT OF US SPECIALTY STEEL IMPORTS LAST YEAR, AND
SPECIFIC QUOTAS WERE ESTABLISHED FOR THE EC, CANADA,
AND SWEDEN, WITH A BASKET QUOTA BEING ESTABLISHED FOR
OTHER SUPPLIERS. THE AGGREGATE QUOTA WAS SET
AT 147 THOUSAND TONS, A HIGHER LEVEL THAN OUR AVERAGE
ANNUAL IMPORT LEVEL OF 140.7 THOUSAND TONS IN 1971-75
(A FULL BUSINESS CYCLE). THE QUOTAS AND THE OMA ARE TO
RUN FOR THREE YEARS, BUT THE PRESIDENT MAY TERMINATE THEM
EARLIER SHOULD CONDITIONS WARRANT.

B) SINCE THE PASSAGE OF THE TRADE ACT OF 1974, THE ITC
HAS MADE DETERMINATIONS IN FOURTEEN ESCAPE CLAUSE CASES.
THE ITC FOUND NO INJURY IN FIVE CASES, SPLIT 3-3 IN
TWO CASES AND MADE INJURY DETERMINATIONS IN SEVEN. THUS
A TOTAL OF NINE CASES HAVE BEEN REFERRED TO THE PRESIDENT
BY THE ITC OF WHICH ONE IS STILL PENDING FOR FINAL ACTION.
IN THE TWO CASES IN WHICH THERE WAS NO ITC DETERMINATION
BECAUSE THE VOTE WAS 3-3, THE PRESIDENT SUBSEQUENTLY
DECIDED THERE WAS NO INJURY ALTHOUGH HE PROVIDED ADJUST-
MENT ASSISTANCE (AA) FOR THE SLIDE FASTENER INDUSTRY. IN
THE OTHER SIX CASES, THE PRESIDENT CHOSE IMPORT RESTRIC-
TIONS IN ONLY ONE, THAT INVOLVING SPECIALTY STEEL. THE
PRESIDENT CHOSE AA ALONE IN THE FOOTWEAR AND STAINLESS

STEEL FLATWARE CASES AND WAS REQUIRED BY STATUTE TO
IMPLEMENT THE ITC RECOMMENDATION OF AA IN THE MUSHROOM
AND SHRIMP CASES. IN THE FERRICYANIDE BLUE PIGMENT CASE
THE PRESIDENT DECIDED THAT IMPORT RESTRICTIONS WERE NOT
IN THE NATIONAL ECONOMIC INTEREST AND DID NOT RE-
COMMEND AA.

C) THE FOLLOWING TABLES DESCRIBE THE OUTCOME OF ESCAPE
CLAUSE CASES SINCE JANUARY 1 AND CASES IN WHICH FINAL
ACTION HAS NOT YET BEEN TAKEN. THE FIRST SECTION UNDER
OUTCOME DESCRIBES THE ITC DETERMINATION AND THE SECOND
DESCRIBES THE PRESIDENTIAL DETERMINATION, IF ANY WAS
REQUIRED.

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ESCAPE CLAUSE CASES COMPLETED JANUARY 1 - JULY 30, 1976

PRODUCT (PRINCIPAL SUPPLIERS) OUTCOME

1. ASPARAGUS (MEXICO, ROC) ITC SPLIT 3-3; PRESIDENT
..... FINDS NO INJURY
2. SPECIALTY STEEL (JAPAN INJURY; OMA AND QUOTAS
SWEDEN, EC, CANADA)
3. SLIDE FASTENERS (JAPAN ITC SPLIT 3-3; PRESIDENT
WEST GERMANY) FINDS NO INJURY, AA
4. STAINLESS STEEL FLATWARE INJURY; PRESIDENT IMPOSES
(JAPAN, KOREA, ROC, W. GERMANY) NO RESTRICTIONS AND
..... CHOOSES AA
5. NON-RUBBER FOOTWEAR (KOREA INJURY; PRESIDENT IMPOSES
ROC, BRAZIL, SPAIN, ITALY) NO RESTRICTIONS AND
..... CHOOSES AA
6. CERTAIN WORK GLOVES (ROC ITC FINDS NO INJURY
HONG KONG, MEXICO, KOREA,
AUSTRALIA)
7. MUSHROOMS (KOREA, ROC) INJURY; PRESIDENT ACCEPTS
..... ITC RECOMMENDATION OF AA
8. FERRICYANIDE BLUE PIGMENTS INJURY; PRESIDENT IMPOSES
(JAPAN, EC) NO RESTRICTIONS
9. STAINLESS STEEL WIRE ITC FINDS NO INJURY
(JAPAN)
10. SHRIMP (SOME 40 INJURY; PRESIDENT ACCEPTS
COUNTRIES) ITC RECOMMENDATION OF AA

ESCAPE CLAUSE CASES BEFORE THE PRESIDENT OF JULY 30, 1976

1. HONEY (MEXICO, ARGENTINA, THREAT OF INJURY WITH
CANADA, AUSTRALIA, BRAZIL) TARIFF RATE QUOTA RECOM-
..... MENED BY ITC

SECTION 201 CASES BEFORE THE ITC ON JULY 30, 1976

1. PLANT HANGERS (ROC, HONG KONG, DUE 12/22/76
PHILIPPINES, PAKISTAN)

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5. SECTION 301

A) NO RETALIATORY ACTIONS HAVE BEEN TAKEN UNDER SECTION 301 OF THE TRADE ACT OF 1974. IN THE CASES NOW BEFORE THE OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS (STR) FOR REVIEW, THE SECTION 301 COMMITTEE HAS ATTEMPTED IN ALL INSTANCES TO SEEK APPROPRIATE REMEDIES FROM UNFAIR TRADE PRACTICES THROUGH AVAILABLE BILATERAL AND MULTILATERAL MEANS BEFORE RESORTING TO UNILATERAL ACTION. FOR EXAMPLE, THE U.S. IS SEEKING REMEDIES FOR CERTAIN EC AGRICULTURAL POLICIES THROUGH GATT ARTICLES XXII AND XXIII.

B) TWO CASES HAVE BEEN TERMINATED. THE 301 CASE REGARDING

CANADIAN QUOTAS ON EGG IMPORTS WAS TERMINATED MARCH 4, 1976, AFTER BILATERAL MEETINGS RESULTED IN A QUOTA APPROXIMATELY DOUBLE THAT ORIGINALLY PROPOSED. THE CASE INVOLVING DELTA/FLOMERCA (GUATEMALA) WAS TERMINATED ON JUNE 29, 1976, AFTER THE PETITIONER HAD REQUESTED THAT THE COMPLAINT BE WITHDRAWN.

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C) SECTION 301 CASES PENDING ON JULY 30, 1976

1. BARLEY MALT -- SUPPORT SUBSIDIES ON THIRD MARKET SALES (EC)
INTERAGENCY STUDY IN PROGRESS, GATT ARTICLE XXIII (1) CONSULTATIONS REQUESTED.

2. EGG ALBUMEN -- VARIABLE LEVY (EC)
HEARING HELD -- INTERAGENCY STUDY IN PROGRESS.

3. PROCESSED FRUITS AND VEGETABLES -- MINIMUM IMPORT PRICES (MIPS)/LICENSES/SURETY DEPOSITS (EC)
GATT ARTICLE XXIII (1) CONSULTATIONS HELD -- GATT PANEL UNDER ARTICLE XXIII (2) IS BEING ESTABLISHED.

4. WHEAT FLOUR -- EXPORT SUBSIDY ON THIRD MARKET SALES (EC)
HEARING HELD; INTERAGENCY STUDY IN PROGRESS.

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5. NON-FAT DRIED MILK (NFDM) -- MIXING REGULATIONS (EC)
HELD INTERIM CONSULTATION ON THIS ISSUE UNDER GATT ARTICLE XXIII (1); U.S. REQUESTED GATT PANEL UNDER ARTICLE XXIII (2) AT JULY 15 GATT COUNCIL MEETING AND ITEM IS ON AGENDA FOR SEPTEMBER FOR FURTHER DISCUSSION.

6. CONSUMER ELECTRONIC PRODUCTS --COMPLAINTABOUT "COM-FISCATORY" DUTIES ON IMPORTS FROM U.S. (ROC)
HEARING HELD; INTERAGENCY STUDY IN PROGRESS.

7. CANNED FRUITS -- LEVY ON SUGAR ADDITIVES (EC)
INTERAGENCY STUDY IN PROGRESS.
KISSINGER

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